

## REMARKS

The claims remaining in the present application are Claims 1-20. The Examiner is thanked for performing a thorough search. Claims 5 and 11 have been cancelled. Claims 1-4, 6, 8, 12-17, 19, and 20 have been amended. No new matter has been added. For example support for the amendment to independent Claim 1 can be found in the original Claim 5 and support for the amendments to independent Claims 8 and 16 can be found in the original Claim 11, among other places. The dependent claims were amended to correct antecedent basis problems.

### Double Patenting Rejection

#### Claims 1-20

In paragraph 1 of the Office Action, Claims 1-20 are provisionally rejected under non-statutory obviousness-type double patenting over claims 1-20 of copending Application No. 10/678,657 (attorney docket no. 200208655-1) by Bresniker et al. A terminal disclaimer in compliance with 37 CFR 1.321 is being submitted concurrent with the instant response, thereby obviating the double patenting rejection.

## CLAIM REJECTIONS

### 35 U.S.C. §112

#### Claims 2, 3, 4, 5, 6, 16 and 20

In paragraph 4, the Office Action rejected Claim 2-6, 16 and 20 under 35 U.S.C. §101. Claim 5 has been cancelled. Claims 2-4, 6, 16 and 20 have been amended to correct the antecedent basis problems.

### 35 U.S.C. §102

#### Claims 1 and 8-19

In paragraph 6, Claims 1 and 8-19 are rejected under 35 U.S.C. §102(b) as being anticipated by "On Evaluating Request-Distribution Schemes for Saving Energy in Server Clusters," In Proceedings of the IEEE International Symposium on Performance Analysis of Systems and Software by K. Rajamani et al. (referred to hereinafter as "Rajamani"). Applicants respectfully submit that embodiments of the present invention are neither taught nor suggested by Rajamani.

Amended independent Claim 1 recites,

A method of dynamically changing rack capacity on demand, said method comprising:  
receiving a rack equipment capacity alteration request;  
performing an analysis of said rack equipment capacity alteration request; and  
changing performance of rack equipment in accordance with said analysis of said rack equipment capacity alteration request and wherein said changing of said performance of said rack equipment is based at least in part on a potential change to a client's business requirements.

Applicants respectfully submit that Rajamani does not teach or suggest, among other things, "wherein said changing of said performance of said rack equipment is based at least in part on a potential change to a client's business requirements," as recited by Claim 1.

For example, Rajamani teaches a way of conserving power by turning servers off that are idle. Rajamani specifically states in the first sentence of the fourth paragraph of the Introduction Section, "All the PARD schemes we consider save energy by turning off servers that are idle" (emphasis added). Based on Applicants' review of Rajamani, Rajamani is silent with regards to potential changes to client's business requirements and is silent with regards to "wherein said changing of said performance of said rack equipment is based at least in part on a potential change to a client's business requirements," as recited by Claim 1. Further, the Office Action failed to cite a portion of Rajamani that taught a similar limitation recited in the original Claim 5 of the instant application serial no. 10/829,072. Therefore, Claim 1 should be patentable.

Amended independent Claim 8 recites,

A rack equipment capacity on demand system comprising:  
rack equipment for processing data;  
a capacity demand plan component for controlling operational changes to said rack equipment based on a capacity demand plan; and  
a communications bus for coupling said rack equipment and said capacity demand plan component, wherein said communications bus is utilized for communicating information between said capacity demand plan component and said rack equipment; and  
a master management control center for coordinating control of rack equipment among a plurality of racks.

Applicants respectfully submit that Rajamani does not teach or suggest "a master management control center for coordinating control of rack equipment among a plurality of racks," as recited by Claim 8. Based on Applicants' review of Rajamani,

Rajamani is silent with regards "a plurality of racks," and "a master management control center for coordinating control of rack equipment among a plurality of racks," as recited by Claim 1. Further, the Office Action failed to cite a portion of Rajamani that taught a similar limitation recited in the original Claim 11 of the instant application serial no. 10/829,072. Therefore, Claim 8 should be patentable. For similar reasons, Claim 15 should be patentable.

Claims 2-7 depend on Claim 1. Claims 9-15 depend on Claim 8. Claims 16-20 depend on Claim 15. These dependent claims include all of the limitations of their respective independent claims. Further, these dependent claims include additional limitations which further make them patentable. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

### CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-22 overcome the rejections of record. For reasons discussed herein, Applicants respectfully request that Claims 1-22 be considered by the Examiner. Therefore, allowance of Claims 1-22 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,  
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